

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In the Patent Application of

Timothy R. Hawes

Serial No.: 10/064,350

Filed: July 3, 2004

For: FENDER ASSEMBLY AND
ADJUSTABLE MOUNTING
BRACKET THEREFOR

Group Art Unit: 3632

Examiner: Frank B. Bennett

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF (37 CFR SECTION 41.37)

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed herewith is Applicants Amended Supplemental Appeal Brief for filing in the above-identified U.S. patent application. This Amended Supplemental Appeal Brief is in response to a Notification of Non-Compliant Appeal Brief mailed August 10, 2007. In the Notification, there are three items which were checked as follows:

- The brief does not contain items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
- The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131 or 1.132 or of any other evidence entered by the Examiner and relied on by the Appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the Examiner, as an appendix thereto (37 CFR 41.37(c)(1)(x)).
- The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).

Although there was a signature on the document, the signature was illegible. Applicant's attorney carefully reviewed the rules and the Appeal Brief but was unable to determine exactly what was missing or otherwise noncompliant with the required rule. Applicant's attorney contacted Examiner Vanaman on August 15, 2007 in an attempt to try to clarify the deficiencies of the brief. Examiner Vanaman was also unable to clearly understand the notification because no evidence was submitted under 37 CFR 1.130, 1.131 or 1.132 and further that there are no other decisions rendered by a court or the Board of Appeals in the preceding and identified in related appeals or interference section of the brief as set forth in the Notification. The only addition which Examiner Vanaman could suggest was to add blank pages for Appendix IX and Appendix X with the notification that there were no items in this appendix. Accordingly, this Appeal Brief has been relabeled as an Amended Supplemental Appeal Brief which may resolve some of the confusion relating to this brief. It is believed that this Amended Supplemental Brief is in full compliance with the rules. In the event that the Board believes that the brief is still not in compliance, the courtesy of a telephone call with the Applicant's undersigned attorney to clearly inform him of the deficiencies in the brief would be most appreciated. Alternatively, a more clear or concise explanation of the apparent problems with the brief would be appreciated.

Respectfully submitted,

TIMOTHY R. HAWES

Dated: September 10, 2007

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